

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re	)	Case No. 10-20059-JNF
	)	Chapter 7
<b>RICHARD C. MITCHELL</b>	)	
	)	
Debtor.	)	

**OBJECTION OF CREDITOR NEW ENGLAND PHOENIX CO., INC.  
TO DEBTOR'S CLAIMED HOMESTEAD EXEMPTION**

To the Honorable Joan N. Feeney, United States Bankruptcy Judge:

New England Phoenix Co., Inc. ("NEPCO") hereby objects to the Debtor's claimed homestead exemption under Mass. Gen. L. ch. 188, § 1 in the property known as and numbered 127 Prospect Street, Sherborn, Massachusetts (the "Sherborn Property"). As grounds for the objection, NEPCO states: (1) the Debtor cannot rely on the homestead declaration recorded by his "ex-wife," as they are no longer considered a "family" under the Massachusetts homestead statute; and (2) the Debtor does not, in any event, occupy or intend to occupy the subject property. In further support of its objection, NEPCO relies upon and incorporates by reference its arguments set forth in the Opposition of

Creditor New England Phoenix Co., Inc. To Debtor's Motion To Avoid Judicial Lien filed simultaneously herewith.

Respectfully submitted,

NEW ENGLAND PHOENIX CO., INC.

By its attorney,

/s/ John C. La Liberte

John C. La Liberte (BBO #556046)

Sherin and Lodgen LLP

101 Federal Street

Boston MA 02110

Tel: (617) 646-2173

Email: jclaliberte@sherin.com

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